

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY HARDY,

Plaintiff,

v.

Case No. 24-11190
Honorable Linda V. Parker

GENESEE COUNTY COMMUNITY
ACTION RESOURCE DEPARTMENT, et al.,

Defendants.

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**OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION (ECF No. 32) AND GRANTING IN PART AND
DENYING IN PART DEFENDANTS' MOTION TO DISMISS (ECF No. 19)**

Plaintiff Gregory Hardy commenced this lawsuit against Defendants Genesee County Community Action Resource Department (GCCARD) and several of its employees on May 3, 2024. On July 22, 2024, Defendants filed a partial motion to dismiss. (ECF No. 19.) The matter has been assigned to Magistrate Judge Stafford for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On December 30, 2024, Magistrate Judge Stafford issued a report and recommendation (“R&R”) recommending that the Court grant in part and deny in

part Defendants' motion to dismiss. Specifically, Magistrate Judge Stafford recommends dismissal of all of Hardy's claims except his First Amendment retaliation and Fourteenth Amendment procedural due process claims against Genesee County and Michael Isom and Donita Pikes in their individual capacities.

At the conclusion of her R&R, Magistrate Judge Stafford advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. She further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) No party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Stafford. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Defendants' motion to dismiss is **GRANTED IN PART AND DENIED IN PART**;

IT IS FURTHER ORDERED that Plaintiff's claims of fraud, the misuse of public funds, and embezzlement are **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED that all claims against GCCARD, Stephanie L. Howard, and Pamala D. Coleman are **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED that all claims against Michael Isom and Donita Pikes in their official capacities are **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED that the motion to dismiss Plaintiff's substantive due process claim is **DENIED AS MOOT**;

IT IS FURTHER ORDERED that Defendants' motion to dismiss is **DENIED** as to Hardy's First Amendment retaliation and Fourteenth Amendment procedural due process claims against Genesee County and Isom and Pikes in their individual capacities. Those claims may proceed.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: February 3, 2025

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 3, 2025, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager